

REMARKS

Claims 11-15, 17-23, 36-39, 42-58, 60-65, 68-73, 83-90, 92, 93, 95-101, 103, and 106-133 are pending in this application. Claims 11-15, 17-23, 36-39, 42-47, 58, 60-65, 68-73, 83-86, 92, 93, 95-101, 103 and 106-133, have been allowed. Claims 48, 52, 54, 57 and 87 have been rejected on formal grounds only, and were said to be allowable once that rejection is overcome. Claims 57 and 87 have been revised. Claims 15, 36, 57, 58, 62, 87, 92, 95 and 97 are independent.

The Examiner is thanked for the allowance of claims 11-15, 17-23, 36-39, 42-47, 58, 60-65, 68-73, 83-86, 92, 93, 95-101, 103 and 106-133. Those claims have been maintained unchanged, and so are believed to remain in condition for allowance at least for the reasons given previously.

The Examiner is also thanked for the indicated allowability of claims 48, 52, 54, 57 and 87. As explained below, claims 57 and 87 have been revised in a manner believed to render those claims definite and compliant with 35 U.S.C. § 112, and the other rejected claims are believed to already be sufficiently clear and definite.

The Rejection Under 35 U.S.C. § 112

Claims 48, 52, 54, 57 and 87 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of Applicants' invention. The Office Action pointed out various claim features which were deemed to be unclear. Applicants respectfully traverse this rejection and submit the following arguments in support thereof.

The Office Action questioned how removing a film could create an air communication port, as specified in claims 57 and 87. Claims 57 and 87 have therefore been revised each to provide that the engaging recess is at least partially covered by a film which can be removed from the ink cartridge so that an air communication port communicates with the atmosphere. In other words, removal of the film effects communication between the air communication port (which already exists) and atmosphere, rather than creating the air communication. These aspects of the invention may be particularly clear in view of Figs. 7(a-c), and the corresponding portions of the specification. Claims 57 and 87 are therefore believed to be clear and definite.

As for claim 48, the Office Action, referring to Fig. 9, noted that the recessed port does not communicate with the air communication port. Applicants respectfully submit that, for the following reasons, claim 48 is sufficiently clear in view of the disclosure, and so need not be revised.

The recessed port recited in claim 48 corresponds to recessed part 58 depicted in Fig. 7(a). As is clear from the discussion of that drawing in the specification at page 11, last paragraph, and as noted in the Interview Summary form accompanying the Office Action and reflecting a telephonic interview with the Examiner on October 10, 2006, recess 58 communicates with the air communication port because air communication port 54 connects to one end of fine groove 56, and the other end of fine groove 56 communicates with an opening 59. Opening 59 communicates with the recessed part 58.

Accordingly, claim 48 will be clear to those skilled in the art.

Next, the Office Action contended that the engaging recess recited in claim 52 (said by the Office Action to correspond to element 60) does not have the capacity to receive gas

that has escaped from the ink cartridge, and that instead it is recess 145 which has the capacity to receive gas.

Applicants respectfully submit that the specification, at page 12, third full paragraph, teaches that when the ink cartridge is packaged and placed under vacuum, recessed part 60 is sealed in a state in which a space for decompression can be prevented from becoming blocked by the packaging. This paragraph mentions both Figs. 31 and 7(a-c), which is numerals from both of those drawings appear in the text of the paragraph. Although this complicates the contents of that text somewhat, Applicants respectfully submit that one skilled in the art would understand that the use of numbering from both Figs. 7(a-c) and Fig. 31 in the text means that both those drawings should be taken into account in connection with this portion of the disclosure. Consequently, one skilled in the art would consider the recessed port shown in Fig. 31 to be comparable to recessed part 60 shown in Fig. 7(a). One skilled in the art would understand recessed part 60 could receive escaped gas in the manner of recess 145.

Claim 52 is therefore sufficiently clear, and complies with the requirements of § 112.

Turning to claim 54, the Office Action questioned how could a recess be completely and partially covered at the same time.

It is believed that confusion may have resulted because claims 54 and 57 are organized in an atypical manner, earlier claim 54 depending from later claim 57. It is believed that once this is taken into account, the claims clearly will be understood as being definite, as explained below.

Claim 57, directed to an ink cartridge, speaks in part of an engaging recess that is at least partially covered by a film which can be removed from the ink cartridge so that an air communication port communicates with the atmosphere.

Claim 54, which depends from claim 57, provides that the engaging recess is completely covered by film.

"[A]t least partially covered" as used in claim 57, reads on both a recess with a portion covered by film, and a recess that is fully covered by film. Claim 54, dependent upon claim 57, states that the recess is completely covered by film. Thus, claim 54 further limits claim 57 to one specific situation.

It also should be kept in mind that Claim 54 does not require the engaging recess to be engaged with a projecting member of the printer at the same time it is completely covered by the film; claim 54 (and 57) covers an ink cartridge separate from a printer. The claim language states that when the film is removed from the ink cartridge, the engaging recess is engageable to the projecting member (meaning it then has an arrangement which can receive the projecting member), whereas when the cartridge is covered by the film, the engaging recess is not configured to receive the projecting member due to the presence of the film.

Claims 57 and 54 therefore are consistent and definite.

For all the foregoing reasons, favorable reconsideration and withdrawal of this rejection are respectfully requested.

CONCLUSION

Applicants have made a diligent effort to place this application in condition for allowance. If for any reason, however, the Examiner should deem that this application is not in condition for allowance, the Examiner is respectfully requested to telephone the undersigned

attorney at the number listed below to resolve any outstanding issues prior to issuing a further Office Action.

No fees are believed to be due in connection with the filing of this paper. Nevertheless, should the Commissioner deem any fees to be now or hereafter due, the Commissioner is authorized to charge all such fees to Deposit Account No. 19-4709.

Respectfully submitted,

/David L. Schaeffer/

David L. Schaeffer
Registration No. 32,716
Attorney for Applicants
STROOCK & STROOCK & LAVAN LLP
180 Maiden Lane
New York, New York 10038-4982
(212) 806-6677